

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

07 DEC 13 AM 9:31

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jaime GARCIA-Amaya

Defendant.

Magistrate Case No. **'07 MJ 2885**COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
Bringing in Illegal Alien(s)
Without Presentation

Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-
Bringing in Aliens for Financial Gain

The undersigned complainant being duly sworn states:

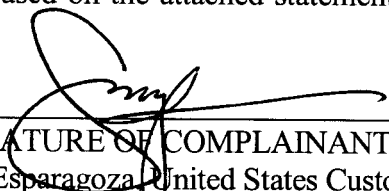
Count I

On or about **December 11, 2007**, within the Southern District of California, defendant **Jaime GARCIA-Amaya**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Indalis MUNOZ-Flores and Raul CRUZ- Vital**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **December 11, 2007**, within the Southern District of California, defendant **Jaime GARCIA-Amaya**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Maria Del Socorro CALTZONTZIN-Cervantez, Indalis MUNOZ-Flores and Raul CRUZ- Vital** had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 13th DAY OF
December, 2007.


UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT

The complainant states that **Maria Del Socorro CALTZONTZIN-Cervantes, Indalis MUNOZ-Flores and Raul CRUZ-Vital** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 11, 2007, at about 8:00 p.m., **Jaime GARCIA-Amaya (Defendant)** made application for admission into the United States at the San Ysidro, California Port of Entry driving a 2000 Dodge Intrepid. One visible passenger, a female later identified as **Maria Del Socorro CALTZONTZIN-Cervantes (MW1)** accompanied Defendant. Upon inspection before a United States Customs and Border Protection (CBP) Officer, Defendant presented as his own a Form DSP-150 (Border Crossing Card) bearing the name Jesus Mariscal Fregoso. Defendant also presented a Border Crossing Card bearing the name Maria Guadalupe Gradea Portillo on behalf of MW1. Defendant gave a negative customs declaration and stated he intended travel to San Diego, California. The Officer noticed the Defendant was an imposter to the document presented and discovered human beings concealed in the trunk. The vehicle and occupants were escorted to secondary inspection.

In secondary, Defendant was confirmed to be an impostor to the document presented and determined to be an undocumented citizen of Mexico, who has been previously ordered removed from the United States to Mexico. MW1 was also determined to be an impostor to the Border Crossing Card presented on her behalf. Further investigation revealed MW1 is an undocumented alien and citizen of Mexico. Four individuals were removed from the vehicle trunk and determined to be undocumented citizens of Mexico. Two were retained as material witnesses and are now identified as **Indalis MUNOZ-Flores (MW2)** and **Raul CRUZ-Vital (MW3)**. The other two aliens were processed for administrative removal to Mexico.

During a videotaped proceeding, Defendant was advised of his Miranda rights and elected to submit to questioning without benefit to counsel. Defendant admitted he is aware the female passenger was undocumented and that he presented the Border Crossing Card on her behalf, knowing that the document did not belong to her. Defendant admitted he is not the rightful holder of the Border Crossing Card he presented as his own and that he does not have documents to legally enter the United States. Defendant admitted knowing at least one undocumented alien was concealed in the trunk. Defendant admitted he made arrangements to drive the vehicle into the United States and deliver the passenger and concealed individuals. In exchange for agreeing to drive the vehicle containing the undocumented aliens, Defendant did not have to pay \$2500.00 USD to be smuggled into the United States.

In separate videotaped interviews, the material witnesses declared they are citizens of Mexico without legal rights to enter the United States. MW1 stated she agreed to pay an undisclosed amount to be smuggled into the United States. MW2 stated she agreed to pay \$3,000.00 USD to be smuggled into the United States. MW3 stated he agreed to pay an undisclosed amount to be smuggled into the United States. All material witnesses stated they intended to travel to California.